

July 20, 2010

TO: Members of the MAG Regional Council

FROM: Mayor Tom Schoaf, Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.
Wednesday, July 28, 2010
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. Supporting information is enclosed for your review. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
TENTATIVE AGENDA
July 28, 2010**

COMMITTEE ACTION REQUESTED

1. <u>Call to Order</u>	
2. <u>Pledge of Allegiance</u>	
3. <u>Call to the Audience</u> An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.	3. Information.
4. <u>Executive Director's Report</u> The MAG Executive Director will provide a report to the Regional Council on activities of general interest.	4. Information and discussion.
5. <u>Approval of Consent Agenda</u> Council members may request that an item be removed from the consent agenda. Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items. Consent items are marked with an asterisk (*).	5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. <u>Approval of the June 30, 2010, Meeting Minutes</u>	5A. Review and approval of the June 30, 2010, meeting minutes.
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TRANSPORTATION ITEMS

*5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. Please refer to the enclosed material.

*5C. Enhancement Peer Review Group Round 18 Recommendations

The MAG Enhancement Peer Review Group, formerly the Enhancement Funds Working Group that was formed by the MAG Regional Council in April 1993, reviews and recommends a ranked list of Enhancement Fund applications from this region to the State Transportation Enhancement Review Committee (TERC). This year, 12 enhancement fund applications for projects on local roads were received totaling \$7,442,160 with approximately \$12 million available statewide. Two applications for projects on the Arizona Department of Transportation (ADOT) right-of-way were received totaling \$1,886,000 with approximately \$8 million available statewide. The Enhancement Peer Review Group and the MAG Management Committee recommended that the list of ranked applications be forwarded to ADOT for consideration by the TERC. Please refer to the enclosed material.

*5D. Project Changes – Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program

The fiscal year (FY) 2008-2012 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there has been a request from Phoenix to add a new transit project. This transit project received federal

5B. Information and discussion.

5C. Approval that the list of ranked applications from the MAG Enhancement Peer Review Group be forwarded to the Arizona Department of Transportation for consideration by the State Transportation Enhancement Review Committee.

5D. Approval of amendments and administrative modifications to the FY 2008-2012 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update.

discretionary funds and needs to be programmed in the TIP. On July 1, 2010, the Transportation Review Committee (TRC) recommended approval. Since the TRC recommendation, the Arizona Department of Transportation requested the addition of a new embankment project on SR-87. On July 14, 2010, the Management Committee recommended approval of both project change requests. Since the Management Committee recommendation, there have been requests to modify five project costs in Litchfield Park and Tempe. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5E. Final Closeout of the Federal Fiscal Year 2010 MAG Federally Funded Program

The federal fiscal year (FFY) 2010 MAG Interim Closeout, approved on June 30, 2010, by the MAG Regional Council, includes the deferral and deletion of federal funds totaling close to \$20 million. In addition, the FFY 2010 MAG Interim Closeout identified three projects to be funded with funds available. Since the FFY 2010 Interim Closeout was approved, there has been one request to defer a project, which was recommended for approval by the Transportation Review Committee on July 1, 2010, and by the Management Committee on July 14, 2010. Please see the attached table that explains the new request to defer, and the previously approved deferred projects.

*5F. Draft Fiscal Year 2011 Arterial Life Cycle Program

The Regional Transportation Plan (RTP) identified 94 arterial street projects to receive funding from the regional sales tax extension and from MAG federal funds. The Arterial Life Cycle Program (ALCP) provides information for each project spanning a 20-year life cycle. Information contained in the ALCP includes project location, regional funding, fiscal year (FY) for work, type of work, status of project and the Lead Agency. As part of the ALCP process, Lead Agencies update

5E. Approval of the Final Closeout for federal fiscal year 2010 and amending/adjusting the FY 2008-2012 MAG Transportation Improvement Program and the Regional Transportation Plan 2007 Update as needed.

5F. Approval of the Draft Fiscal Year (FY) 2011 Arterial Life Cycle Program contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update with applicable air quality plans.

project information annually, at a minimum. MAG staff has programmed the Draft FY 2011 ALCP based on the information provided by Lead Agencies and from projected revenue streams of the Regional Area Road Fund (RARF), MAG Surface Transportation Program (STP-MAG) funds, and Congestion Mitigation and Air Quality (CMAQ) funds. The Transportation Review Committee recommended approval of the Draft FY 2011 ALCP on July 1, 2010, and the MAG Management Committee recommended approval on July 14, 2010. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5G. L101 High Occupancy Vehicle Lane Budget Increase

The L101 High Occupancy Vehicle (HOV) Design - Build project budget is \$138.5 million. This project will complete the HOV lane construction from Tatum Boulevard to I-10 in the West Valley. ADOT has recommended that the proposed project budget be increased by \$9.0 million to include the realignment of the freeway in the vicinity of the Maryland Overpass as part of the design - build project in order to accommodate planned direct access ramps in the future. The initial plan for the Maryland Overpass included direct connection ramps to provide access to a nearby park-and-ride lot and the Westgate/University of Phoenix stadium complex. After reviewing the program cash flow, MAG staff recommends the project budget be increased by \$9.0 million to \$147.5 million. A modification to the FY 2008-2012 MAG Transportation Improvement Program will be needed. In addition, the City of Glendale has requested that the Maryland Overpass Ramps be included in the Draft Regional Transportation Plan (RTP) 2010 Update as an illustrative project. The Draft RTP 2010 Update is scheduled for approval by the MAG Regional Council on July 28, 2010. On July 1, 2010, the Transportation Review Committee voted to recommend approval. On July 14, 2010, the Management Committee

5G. Approval that the L101 HOV project budget be increased by \$9.0 million, that the project include the proposed realignment of the freeway in the vicinity of Maryland Avenue, that the FY 2008-2012 MAG Transportation Improvement Program be modified, and that the Maryland Avenue Overpass Ramps be included as an illustrative project in the Regional Transportation Plan 2010 Update.

recommended approval. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

AIR QUALITY ITEMS

*5H. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several projects, including a new City of Phoenix project to design a park-and-ride facility for FY 2010, minor project revisions to an Arizona Department of Transportation (ADOT) Loop 101 High Occupancy Vehicle project, a Town of Buckeye project to construct sidewalks, curb and gutter, and a new ADOT embankment repair project on State Route 87. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. Please refer to the enclosed material.

*5I. Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update

The Draft 2010 Conformity Analysis concludes that the Draft FY 2011-2015 Transportation Improvement Program (TIP) and the Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On June 21, 2010, a public hearing was conducted on the Draft TIP, Draft Regional Transportation Plan 2010 Update, and Draft Conformity Analysis. On June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended approval of the Draft 2010 MAG

5H. Consultation.

5I. Approval of the Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft MAG Regional Transportation Plan 2010 Update.

Conformity Analysis for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update. On July 14, 2010, the Management Committee recommended approval. Approval of the conformity finding by the Regional Council is required for MAG adoption of the TIP and RTP. Please refer to the enclosed material.

*5J. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter. Please refer to the enclosed material.

5J. Information and discussion.

GENERAL ITEMS

*5K. 2010 Heat Relief Maps

The summer heat in Arizona can be deadly. Vulnerable populations like older adults, children, people who are experiencing homelessness and those who work outdoors, need to take extra precautions. The MAG Human Services Division has partnered with non-profit organizations, the faith-based community, cities and towns in the region, and others to provide heat relief maps. Two maps have been created to indicate resources available in the community. The collection map provides regional locations that are collecting bottled water and other donations such as clothing, unopened sun block, and food items for those who are in need. The hydration and refuge map indicates regional locations that people can go to for water, refuge or both. Please refer to the enclosed material.

5K. Information.

*5L. Sustainable Communities Planning Grant Program

On June 24, 2010, the U.S. Department of Housing and Urban Development (HUD) made \$98 million available nationally to support the creation of regional plans for sustainable development through the Sustainable Communities Planning Grant Program. This program is offered through HUD in partnership with the U.S. Department of Transportation and the Environmental Protection Agency. The purpose of the Sustainable Communities Planning Grant Program is to integrate housing, economic development, and transportation planning in order to enhance the economy, environment, and social equity. On July 19, 2010, the MAG Regional Council Executive Committee received a report on activities undertaken to determine an approach that puts the region in the most advantageous position and best reflects the priorities of the region. It appears that there is consensus for MAG to apply as the lead applicant on behalf of the Sun Corridor. A potential focus for this region could be developing green housing and jobs along high capacity transit routes and completing paths along the canal system. Please refer to the enclosed material for the recommendation of the Executive Committee regarding the Sustainable Communities Planning Grant Program.

5L. Approval of the recommendations of the MAG Regional Council Executive Committee regarding the Sustainable Communities Planning Grant Program.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6A. FY 2010 MAG Final Phase Public Input Opportunity

MAG has conducted a public involvement process on transportation plans and programs in May and June for the Final Phase public input opportunity. Included in this process were a variety of special events, small group presentations, e-mail, telephone and Web site correspondence. The process also included a transportation public hearing hosted by MAG with representatives from Arizona Department of Transportation, Citizen's Transportation Oversight Committee,

6A. Acceptance of the Draft FY 2010 MAG Final Phase Public Input Opportunity Report.

Valley Metro, METRO and the City of Phoenix Public Transit Department in attendance. Agenda items included the draft project listing for the FY 2011-2015 MAG Transportation Improvement Program; Draft 2010 Update of the Regional Transportation Plan; and 2010 Air Quality Conformity Analysis. A court reporter was in attendance to record public comments verbatim. All comments made at the hearing were provided a formal response from staff. The responses to comments are included in the Final Phase Public Input Opportunity Report. On July 14, 2010, the Management Committee recommended acceptance. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

6B. Approval of the Draft MAG Regional Transportation Plan 2010 Update

The Draft MAG Regional Transportation Plan (RTP) 2010 Update is a comprehensive, performance based, multimodal and coordinated plan, identifying transportation improvements in the region over the next 20 years. The Draft RTP 2010 Update extends through FY 2031 and includes regional plans for freeways/highways, arterial streets, and public transit, as well as information on plans for other transportation modes and programs in the region. In addition, the plan addresses topics such as revenue estimates, consultation on environmental mitigation and resource conservation, transportation security and safety, and congestion management. The Draft 2010 Update was approved by the Regional Council for air quality conformity analysis on April 28, 2010. A technical air quality conformity analysis was performed on the RTP and concluded that the Plan meets all air quality conformity requirements. On June 21, 2010, a public hearing was conducted on the Draft RTP 2010 Update, the Draft FY 2011-2015 TIP, and the air quality conformity analysis. Comments from the public hearing are covered under Agenda Item #6A. On July 1, 2010, the MAG Transportation Review Committee

6B. Approval of the Draft MAG Regional Transportation Plan (RTP) 2010 Update, contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and RTP 2010 Update with applicable air quality plans.

recommended approval of the Draft RTP 2010 Update. On July 14, 2010, the Management Committee recommended approval. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. An Executive Summary of the Draft RTP 2010 Update is enclosed. The full Draft RTP 2010 Update may be viewed on the MAG website. Please refer to the enclosed material.

6C. Approval of the Draft FY 2011-2015 MAG Transportation Improvement Program

The Draft FY 2011-2015 MAG Transportation Improvement Program (TIP) reports on all projects programmed with federal funds and on all regionally significant projects that are funded with Federal and non-federal funds. All regionally significant transportation projects, including local, regional, and private funded projects are included in the Draft TIP for the purpose of meeting the air quality conformity analysis requirements. The Draft FY 2011-2015 MAG TIP was approved by the Regional Council in April 2010 to undergo air quality conformity analysis, which is now complete. A public hearing that discussed the air quality conformity analysis, the Draft 2011-2015 MAG TIP and the Regional Transportation Plan 2010 Update was held on June 21, 2010. On July 1, 2010, the MAG Transportation Review Committee recommended approval of the Draft FY 2011-2015 MAG TIP. On July 14, 2010, the Management Committee recommended approval. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

7. Resolution Supporting the Expansion of Amtrak Passenger Service into the Metropolitan Phoenix Region as Part of the National Intercity Rail Network

Amtrak service was discontinued to the Phoenix metropolitan area in 1996. Phoenix is currently the largest city in the United States not served by

6C. Approval of the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP), contingent on a finding of conformity of the TIP and Regional Transportation Plan 2010 Update with applicable air quality plans and that the programming of transit preventive maintenance be reviewed for potential amendments/modifications no later than December 2010.

7. Approval of a resolution supporting the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the national intercity rail network.

Amtrak, followed by Las Vegas, Columbus, and Nashville. Interest in improving the national passenger rail network has been spurred in recent months by the President's high speed rail initiative. Bringing Amtrak service back into Phoenix could serve as a vital first step in moving toward a future high speed rail system, as promoted by the Western High Speed Rail Alliance. Recent discussions between the Arizona Department of Transportation (ADOT) and Amtrak have indicated that Amtrak has an interest in bringing service back into the Valley. ADOT has prepared a grant application for federal funds to evaluate the opportunities of re-opening the Wellton Branch in the Southwest Valley, which would be needed for future Amtrak service. MAG has committed to provide the matching funds for this study. The attached resolution would benefit ADOT's grant application by indicating regional support for future Amtrak service in the MAG region. On July 14, 2010, the Management Committee recommended approval. Please refer to the enclosed material.

8. Loss of the Local Transportation Assistance Fund (LTAF)

During the 2010 legislative session, the Local Transportation Assistance Fund (LTAF) was removed from state law with the funding diverted to the state's general fund. Arizona is now one of five states without a state-level funding source for transit. Statewide, the LTAF repeal represents about \$32.2 million of transit funding. In the MAG region, the loss represents a loss of about \$22.0 million which, in addition to the decline in local and Proposition 400 revenues, has resulted in substantial reductions in transit service statewide. Discussions are being held around the state to explore alternative funding sources that could be proposed to replace the loss of LTAF funding. This item is on the July 21, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee.

8. Information, discussion and possible action to recommend that MAG support efforts to pursue alternative state funding sources for transit services.

AIR QUALITY ITEMS**9. Update on Exceptional Events and MAG Five Percent Plan for PM-10**

On June 21, 2010, the MAG Executive Committee directed staff to retain legal counsel and other consultants to take administrative action needed regarding the Environmental Protection Agency (EPA) nonconcurrence on the four exceptional events at the West 43rd Avenue monitor in 2008 and the EPA's intent to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley. Pursuant to the approval actions by the MAG Regional Council on May 26, 2010, and the MAG Regional Council Executive Committee on June 21, 2010, MAG is engaging Mr. Roger Ferland and associates from the law firm of Quarles and Brady, LLP and is seeking additional expertise in air quality communications and intergovernmental relations with the public and the EPA. Due to the tight timeframes, it is expected that this expertise will be available in mid-August 2010. On June 23, 2010, EPA indicated that the proposed consent decree has been lodged with the court. EPA has to propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and finalize the action by January 28, 2011. The proposed consent decree has now been published in the Federal Register and public comments are due by August 2, 2010. The Arizona Department of Environmental Quality transmitted comments from ADEQ and MAG on the EPA exceptional events technical support document on June 30, 2010 and July 2, 2010 respectively. The transmittal included a letter from the Western States Air Resources Council expressing concern that EPA has not yet addressed the implementation issues with the Exceptional Events Rule. Solving these issues is more critical than ever. Further, EPA has issued decisions not to concur with California and Arizona exceptional events where both states are highly confident that these exceedances do meet the criteria in the Rule for qualifying as exceptional events. On July 19, 2010, the Regional Council Executive Committee recommended approval of amending

9. Information, discussion and approval of amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide up to \$500,000 of funding for legal advice and experts including, but not limited to, regarding the Clean Air Act and its implementing regulations, experts with experience negotiating with Environmental Protection Agency (EPA) Region IX and or EPA headquarters, experts regarding strategies to identify and address sources of PM-10, and consultants to communicate with the public and EPA and for MAG to take administrative action needed regarding the EPA nonconcurrence on the four exceptional events at the West 43rd Avenue monitor in 2008, and EPA's intent to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley, which may impact the Regional Transportation Plan, MAG Transportation Improvement Program and the implementation of Proposition 400 projects through a conformity freeze or conformity lapse and to use unrestricted MAG funds, or MAG shared allocation RARF funds allocated for planning and administering the Regional Transportation Plan for this purpose.

the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide up to \$500,000 of funding for legal advice and experts regarding the EPA nonconcurrence on the four exceptional events at the West 43rd Avenue monitor in 2008, and EPA's intent to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley. Please refer to the enclosed material.

GENERAL ITEMS

10. 2010 Census Update

The U.S. Census Bureau is wrapping up door-to-door follow-up in the 2010 Decennial Census, but additional work must be conducted before the final counts are announced next spring. During the next several months, the Census Bureau will conduct major quality assurance operations to ensure that the 2010 Census is an accurate and complete picture of everyone living in the United States. The Census Bureau is already conducting coverage follow-up on forms returned by mail and re-interviews as a check on employee performance. The Census Coverage Measurement program conducts field operations to determine the effective population and housing coverage within the 2010 Census. These operations are similar to the full decennial Census and the results are matched to measure the accuracy of the count. Coverage measurement crews will continue to work throughout 2010 and into 2011, but the Census Bureau is on track to deliver the state apportionment totals by December 31, 2010. While work is ongoing for the decennial census, in October the Census Bureau is expected to release the numbers from the first annual American Community Survey (ACS). The Census Bureau has been gathering ACS information for the last five years. Starting this year, there will be an annual release of data, including population estimates. The U.S. Census Bureau wants to avoid confusion regarding this release of data by ensuring that member agencies are aware of how the ACS numbers will differ from the official decennial census numbers. U.S. Census Bureau staff will provide an update.

10. Information and discussion.

11. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

12. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Adjournment

11. Information and discussion.

12. Information.